

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **EHAB F. ABDALAH, M.D.**

5 Holder of License No. 36239
6 For the Practice of Allopathic Medicine
In the State of Arizona.

Board Case No. MD-08-1041A

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

(Letter of Reprimand with
Probation)

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8 The Arizona Medical Board ("Board") considered this matter at its public meeting
9 on October 7, 2009. Ehab F. Abdalah, M.D., ("Respondent") appeared before the Board
10 with counsel, Stephen W. Myers, Esq. for a formal interview pursuant to the authority
11 vested in the Board by A.R.S. § 32-1451(H). The Board voted to issue Findings of Fact,
12 Conclusions of Law and Order after due consideration of the facts and law applicable to
13 this matter.

14 **FINDINGS OF FACT**

15 1. The Board is the duly constituted authority for the regulation and control of
16 the practice of allopathic medicine in the State of Arizona.

17 2. Respondent is the holder of License No. 36239 for the practice of
18 allopathic medicine in the State of Arizona.

19 3. The Board initiated case number MD-08-1041A after receiving a complaint
20 from Banner Health Surgery Centers ("Banner Health") that Respondent had made false
21 statements in connection with his March 23, 2007, application for privileges at their
22 facility. The Banner Health Board of Directors denied Respondent's application for
23 privileges due to his omission of the following information from his application:

- 24
25 1. Failure to disclose felony charges.
26 2. Failure to disclose probation during residency.
3. Failure to disclose a one-year pain fellowship.
4. Failure to disclose failure of Board certification examinations.
5. Failure to disclose all hospitals to which he had applied.

1 4. The Banner Health application requires the applicant to "[L]ist dates on
2 which you sat or will sit for the examination and outcome" on the Board Certification
3 page of the application form.

4 5. Respondent failed on three separate applications to disclose that he
5 sat for the Board of Physical Medicine and Rehabilitation Certification and failed
6 the exam in 2003, 2006 and 2007. Finally, on the fourth application that he
7 submitted, he provided the information relating to his failed board certification
8 exams.

9 6. The following question #2 appeared on the Banner Health application
10 submitted by Respondent:

11 "Are you currently under investigation or have you been subject to disciplinary or
12 corrective action such as warning, reprimand, censure, probation, non-provisional
13 supervision, suspension, termination, revocation, reduction of privileges by any
healthcare facility or professional organization?"

14 7. Respondent answered "no" to question # 2 even though he had
15 been placed on academic probation at Kansas University Medical Center in or
16 about 2002-2003.

17 8. The following question #11 appeared on the Banner Health
18 application submitted by Respondent:

19 "Have you ever been charged with or convicted of a felony (State/Federal)?
Have you ever been charged with or convicted of a misdemeanor?"

20 9. Respondent answered "no" to question # 11 on the Banner Health
21 application even though he was charged with Domestic Violence in 2005. The charges
22 were later expunged from his record.

23 10. During his Formal Interview, Respondent admitted that he signed these
24 applications, but argued that he did not fill them out and was not responsible for the
25 omissions and false statements.
26

11. He admitted, however, that when he signed the applications, he attested to the fact that he had read the questions on the Banner Health application and his answers were correct.

12. During the Formal Interview Board members observed that a physician is responsible for the accuracy of applications even if others fill them out on the physician's behalf.

13. Although Respondent claimed that the omissions on his applications were simply oversights, a Board member noted that the same omissions occurred on different applications submitted at different times. Based on the repetition of the same omissions on at least three different applications, the Board concluded that the answers to the Board certification examination questions were false or fraudulent and were made knowingly.

CONCLUSIONS OF LAW

1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §§ 32-1401(27)(t) – (“[k]nowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution.”).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED:

1. Respondent is issued a Letter of Reprimand.

2. Respondent is placed on probation for one year with the following terms and conditions:

a. Continuing Medical Education

Respondent shall within one year of the effective date of this Order obtain 15 – 20 hours of Board Staff pre-approved Category I Continuing Medical Education (CME) in ethics. Respondent shall provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical license. The probation shall terminate upon successful completion of the CME.

b. Obey All Laws

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

c. Tolling

In the event Respondent should leave Arizona to reside or practice outside the State or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall notify the Executive Director in writing within ten days of departure and return or the dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days during which Respondent is not engaging in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary period.

3. The Board retains jurisdiction and may initiate new action based upon any violation of this Order.

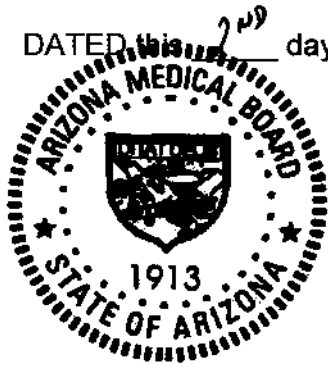
RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The

1 petition for rehearing or review must set forth legally sufficient reasons for granting a
2 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days
3 after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not
4 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
5 Respondent.

6 Respondent is further notified that the filing of a motion for rehearing or review is
7 required to preserve any rights of appeal to the Superior Court.

8 DATED this 2nd day of December, 2009.



ARIZONA MEDICAL BOARD

By: 

LISA S. WYNN
Executive Director

14 ORIGINAL of the foregoing filed this
15 2nd day of December, 2009 with:

16 Arizona Medical Board
17 9545 East Doubletree Ranch Road
18 Scottsdale, Arizona 85258

18 Executed copy of the foregoing
19 mailed by U.S. Mail this
20 2nd day of December, 2009 to:

21 Stephen W. Myers, Esq.
22 Myers & Jenkins
23 One E. Camelback Road, Suite 500
24 Phoenix, AZ 85012-2910

25 
26 Arizona Medical Board Staff